(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) NO. 7338/2007

PETITIONER		Khubchand Agrawal, S/o. Late Shri Daluram Agrawal, aged about 34 years, R/o. Balco, Distt. Korba (CG)
	Versus	
RESPONDENTS	1.	Regional Transport Authority, Chhattisgarh at Raipur
	2.	Secretary, Regional Transport Authority, Chhattisgarh at Bilaspur

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(SB: Hon'ble Mr. **Satish K. Agnihotri, J.)**

Shri Anshul R.Shrivastava, counsel for the petitioner.
Shri Sumesh Bajaj, Government Advocate for the State.

ORAL ORDER

(Passed on this 12th day of December 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner has not availed opportunity of hearing and failed to appear when his case was taken for consideration to grant regular stage carriage permit.

2. The petitioner, therefore, cannot complain that opportunity of hearing was not given to him as contemplated under the provisions of law. The petitioner, himself, being the applicant had been given sufficient opportunity of hearing which he has failed to avail. The permit was rejected on the ground that he remained absent. The petitioner has already availed the opporuntity of hearing.

3. This writ petition against the order passed by Regional Transport Authority is not maintainable as there is a

22

statutory provision of approaching to the State Transport Appellate Tribunal.

4. In view of the foregoing, the petition is dismissed. However, the liberty is reserved to the petitioner to prefer an appeal, if so advised, before the State Transport Appellate Tribunal, as there is a statutory provision under Section 89 of the Motor Vehicles Act, 1988 of approaching the State Transport Appellate Tribunal.

Sd/-
Satish K. Agnihotri
Judge

Suguna